

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 13, 2011

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:03MD-380

MAUI

Withdrawal from General Lease No. S-4524 of approximately 45.14 acres; Set Aside to County of Maui, Department of Environmental Management for Landfill Expansion Purposes; and Authorize Issuance of a Right-of-Entry to the County of Maui, Department of Environmental Management; Kawaipapa, Hana, Maui, Tax Map Key: (2) 1-3-006:007 portion.

APPLICANT:

County of Maui, Department of Environmental Management

General Lease No. S-4524, Ethel Abreu and Lloyd Abreu

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Kawaipapa, Hana, Maui, identified by Tax Map Key: (2) 1-3-006:007 por., as shown on the attached map labeled Exhibit A.

AREA:

45.14 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Maui, CZO:	Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_\_ NO  
  X  

CURRENT USE STATUS:

The subject lands are encumbered by GL S-4524 for pasture purposes.

PURPOSE:

Landfill expansion purposes

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on November 23, 2007 with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain a 3-lot subdivision at Applicant's own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost for each of the three (3) lots created.

REMARKS:

Hana landfill is situate at TMK (2) 1-3-006:012, in Hana, Maui and was originally disposed of in 1985 by the State to the County of Maui via Executive Order No. 3304 consisting of 29 acres (more or less).

The County of Maui Department of Environmental Management (DEM) has requested to expand the Hana landfill by about 45 acres (more or less) to accommodate increased demand for operational space that includes an existing encroachment area and additional lands needed for environmental monitoring and buffer zone purposes.

An Environmental Assessment was completed for the subject project and was published in the OEQC's Environmental Notice on November 23, 2007 with a finding of no significant impact (FONSI). According to the County of Maui, a State Special Land Use, County

Special Use and Special Management Area permits have already been acquired for the proposed uses.

In order to enable the expansion and set-aside of government lands, parcel 007 will need to be subdivided. Three (3) parcels are to be created by the County. 1) for the Hana landfill expansion area, 2) for the existing tenant under GL S-4524 and 3) an unused portion of the existing pasture lease on the Hana town side of the existing County road that bisects parcel 007 is to be made available.

General Lease No. S-4524, Ethel Abreu and Lloyd Abreu have no objections to the withdrawal of 45.14 acres. The lease allows for a withdrawal without compensation.

RECOMMENDATION:


That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Authorize the withdrawal from General Lease No. S-4524 of approximately 45.14 acres.
2. Authorize the County of Maui to conduct the subdivision of government lands into three lots.
3. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the County of Maui under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the issuance of an immediate right-of-entry permit to the County of Maui, Department of Environmental Management covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

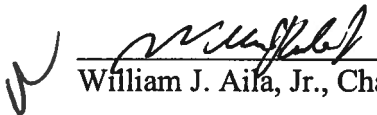
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



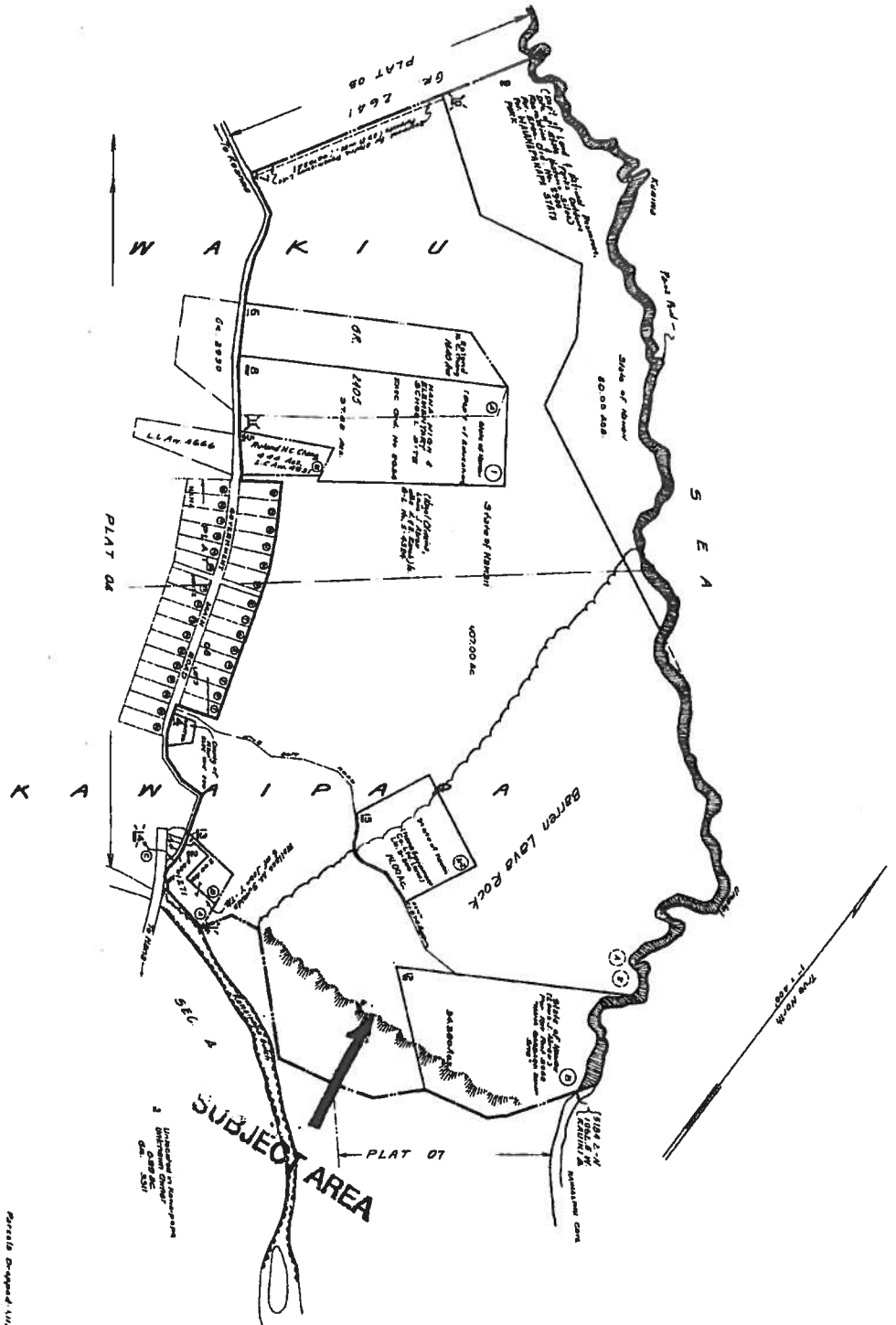
 Daniel Ornellas  
District Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson

Dwg. No: 3202  
 Source: C.S.P. 6338, Survey Dept & Top Map Bureau  
 By: L.H. & H.N. July 1937

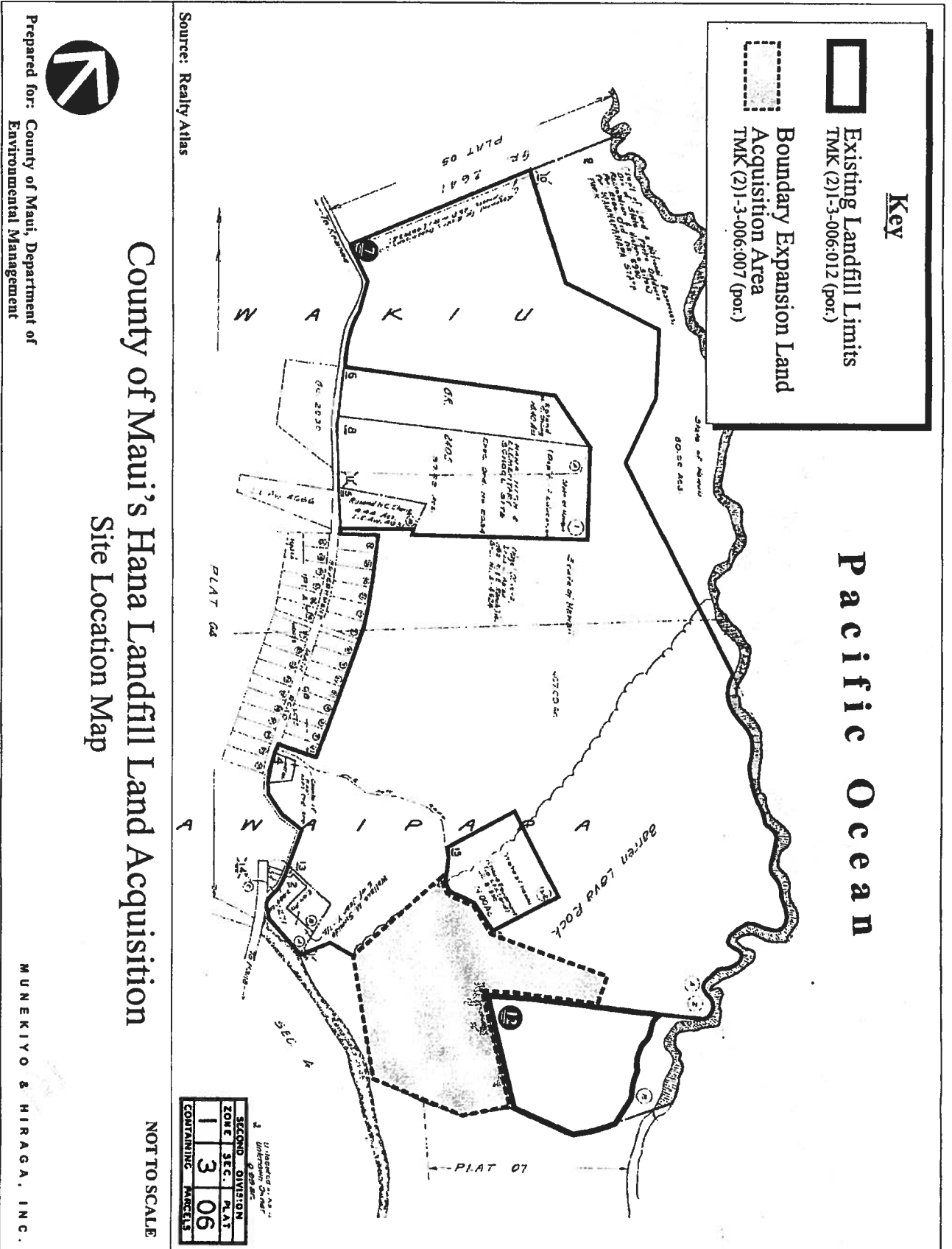
Pae MAKU & KAWAIPAPA, HAWAII, MAUI.



STANDARD  
 SUBJECT TO CHANGE

SECOND DIVISION
CODE SEC. PLAT
1 3 06
CONTAINING PARCELS
SCALE 1:10,000

EXHIBIT A



impound the same and to occupy and use so much of the demised premises as may be required in the exercise of this right reserved; provided, however, that as a condition precedent to the exercise by the Lessor of the rights reserved in this paragraph just compensation shall be paid to the Lessee for any of Lessee's improvements taken.

2. Withdrawal. The right to withdraw the demised land, or any portion thereof, at any time during the term of this lease upon the giving of reasonable notice by the Board and without compensation, except as provided herein, for public uses or purposes, including residential, commercial, industrial or resort developments, for constructing new roads or extensions, or changes in line or grade of existing roads, for rights-of-way and easements of all kinds, and shall be subject to the right of the Board to remove soil, rock or gravel as may be necessary for the construction of roads and rights-of-way within or without the demised premises; provided, that upon such withdrawal, or upon such taking which causes any portion of the land originally demised to become unusable for the specific use or uses for which it was demised, the rent shall be reduced in proportion to the value of the land withdrawn or made unusable, and if any permanent improvement constructed upon the land by the Lessee is destroyed or made unusable in the process of such withdrawal or taking, the proportionate value thereof shall be paid based upon the unexpired term of the lease; provided, further, that no such withdrawal or taking shall be had as to those portions of the land which are then under cultivation with crops until the crops are harvested, unless the Board pays to the Lessee the value of such crops.

**EXHIBIT "C"**